

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

**UNITED STATES OF AMERICA**

**v.**

**HIEU MINH NGO**

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**1:12-cr-144-PB**

**1:14-cr-081-PB**

**ASSENTED-TO MOTION FOR PROTECTIVE ORDER  
Re: DISCOVERY, PURSUANT TO FED. R. CRIM. P. 16(d)(1)**

The United States, with the assent of the defendant through counsel, hereby moves for a Protective Order pursuant to Fed. R. Crim. P. 16(d)(1):

The parties are attempting to reach an agreement regarding the amount of loss for guideline sentencing purposes. In order to facilitate that objective, and to insure that the defendant has full and complete access to all relevant information that bears on that issue, the government wishes to provide defense counsel with a CD containing un-redacted information that contains personal identifying information (PII) of individuals who, the government avers, have been and/or possibly have been or will be victimized as a result of the defendant's criminal conduct.

However, due to the sensitive nature of the PII contained in the un-redacted information that will be produced, and taking into account the defendant's prior criminal conduct, the government respectfully requests that the Court issue the Proposed Protective Order filed herewith, containing the below safeguards.

**A. General Protections.** The material produced by the government pursuant to this Protective Order shall not be used or disclosed by the defendant, counsel for the defendant, or

any of their agents, for any purpose whatsoever other than to prepare for and conduct the defense in the instant criminal case, and to pursue any appeals and/or collateral review matters arising from the instant criminal matter.

**B. Possession of Un-redacted PII**

Material produced pursuant to the Protective Order shall be possessed by defense counsel, and other limited third parties identified below, but not by the defendant. Rather, the defendant shall have access to the material only in the presence of, and while possessed by, defense counsel.

**C. Limited Third-Party Disclosures.** The defendant and counsel for the defendant shall not disclose or permit the disclosure of any material produced pursuant to the Protective Order to any third person or entity except as specifically set forth below. Subject to these requirements, the following categories of persons may be allowed to review material that has been produced pursuant to this Protective Order:

Counsel. All counsel of record and employees or agents thereof who have responsibility for the preparation, trial and appeal of, or collateral proceeding arising from, the instant criminal matter;

Defendant. The defendant in the instant criminal matter, however the defendant shall not be given a copy of said material and shall only view the material in the presence of counsel.

**D. No Copies.** Defense counsel shall be given one (1) CD containing the un-redacted PII in seven (7) files and shall not make any copies, digital or hard copy, unless pursuant to a written agreement, signed by the government and defense counsel.

**E. Obligations upon conclusion of the case.**

This Order remains in effect. Unless otherwise ordered, the terms of this Order shall remain in force until the exhaustion of all appeals and collateral review in the instant criminal matter.

Return of material produced pursuant to the terms of this Order. Within thirty days of the exhaustion of all appeals and collateral review in the instant criminal matter, defense counsel shall return to the government material produced pursuant to the terms of this Order.

**F. Violation of Order**

A violation of this Order may result in a finding of Contempt by the Court.

WHEREFORE, the United States respectfully requests that the Court endorse the Proposed Protective Order filed herewith.

June 19, 2015

Respectfully submitted,  
Donald Feith  
Acting United States Attorney

By: /s/ Arnold H. Huftalen  
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**CERTIFICATE OF ASSENT & SERVICE**

I certify that the defendant, through counsel, assents to this motion, and that a copy of this motion has been served upon defense counsel, Michael Connolly, Esq., via ECF filing notice this day, June 19, 2015.

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Arnold H. Huftalen, AUSA